



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.20827 to 20829,21054 and 22654 of 2018

1 K. GUNASEKARAN

2 R. KALAISELVAM

... PETITIONERS / ACCUSED

RANK NOT KNOWN

IN CRL OP(MD) No. 20827 of 2018

R.THANGAMUTHU

... PETITIONER/ACCUSED

RANK NOT KNOWN

IN CRL OP(MD) No. 20828 of 2018

M.SAROJINI

... PETITIONER/ACCUSED

RANK NOT KNOWN

IN CRL OP(MD) No. 20829 of 2018

S.K.ANANTHAN

... PETITIONER/ACCUSED

RANK NOT KNOWN

IN CRL OP(MD) No. 21054 of 2018

UMAYAPANDI

... PETITIONER

IN CRL OP(MD) No. 22654 of 2018

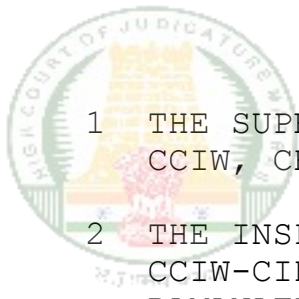
Vs

1 THE INSPECTOR OF POLICE
CCIW-CID, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
(CRIME NO.NOT KNOWN OF 2018)

2 THE SUPERINTENDENT OF POLICE
CCIW, CHENNAI
(R2 IMPEADED AS PER THE ORDER OF
HOB'BLE COURT MADE
IN CRL MP(MD) No. 9781 to 9783 of 18
IN CRL OP(MD) No. 20827 to 20829 of 2018
VIDE ORDER DATED 28.11.2018 BY MNKJ)

... RESPONDENT/COMPLAINANT

IN CRL OP(MD) Nos. 20827 to
20829 of 2018



1 THE SUPERINTENDENT OF POLICE
CCIW, CHENNAI

2 THE INSPECTOR OF POLICE
CCIW-CID, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
(CRIME NO. NOT KNOWN OF 2018)

... RESPONDENTS/COMPLAINANTS
IN CRL OP(MD) No. 21054 of 2018

1 THE STATE REP. BY
THE SUPERINTENDENT OF POLICE
C.C.I.W-CID, CHENNAI

2 THE INSPECTOR OF POLICE
CCIW-CID, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
(CRIME NO. NOT KNOWN OF 2018)

...RESPONDENT
IN CRL OP(MD) No. 22654 of 2018

For Petitioner : MR.D.SADIQ RAJA Advocate
IN CRL OP(MD) No. 20827 to 20829
and 21054 of 2018.

MR.RAJA.KARTHIKEYAN, Advocate
IN CRL OP(MD) No. 22654 of 2018

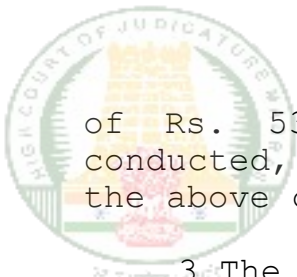
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)
IN ALL THE PETITIONS

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 408, 409, 468, 471, 477(A) 120(B) of IPC in Cr.No.1 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The petitioners Gunasekaran is working as Co-Operative Sub Registrar, Umayya Pandi- Assistant, Kalaiselvan- Co-operative Sub Registrar, Sarojini - Assistant General Manager, Thangamuthu- Co operative Sub Registrar. The petitioners are working in the Kavadiipatti Primary Agricultural Co-Operative Credit Society at Kamuthi Taluk, Ramanathapuram District and had allegedly misappropriated a sum of Rs. 53,00,000/- by providing loan for obtaining fake jewels. The Government announces farmer waivervy scheme for which they prepared a beneficiary list and made a loss



of Rs. 53,00,000/- to the society, for which 81 enquiry was conducted, thereafter the complaint was given to CCIW for which the above crime is registered..

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that that the present complaint is based on the 81 enquiry and the 81 enquiry itself stayed by the Court. Hence there is no crime and there is no criminal law set in motion when such being the position the petitioner is entitled for bail. The learned counsel would further submit the petitioners are ready and willing to deposit the amount without prejudice to their defence and prayed for granting anticipatory bail. The details of the amount is as follows:

1	K.Gunasekaran	Rs.1,49,723.00
2	Sarojini	Rs.1,49,723.00
3	Umayapandi	Rs.1,49,723.00
4	R.Kalaiselvan	Rs.1,49,722.00
5	S.K.Anandan	Rs.1,49,722.00
6	Thangamuthu	Rs.1,49,722.00

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioners are ready to deposit the amount, anticipatory bail may be considered.

5.Considering the facts and circumstances of the case and that 81 enquiry has nothing to do with the complaint registered under Section 154 Cr.P.C for the alleged offence stated above, if any information received by the law enforcing agency with alleged crime the criminal law set in motion after investigation and the crime will be identified and also taking into fact the petitioners have come forward to deposit the said amount without prejudice to their rights and contentions , this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of **four weeks** from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) The petitioners shall deposit the said amount in the society without prejudice to their defence and only on such deposit the learned Magistrate shall accept the sureties. The amount to be deposited by the petitioners are as follows:



1	K.Gunasekaran	Rs.1,49,723.00
2	Sarojini	Rs.1,49,723.00
3	Umayapandi	Rs.1,49,723.00
4	R.Kalaiselvan	Rs.1,49,722.00
5	S.K.Anandan	Rs.1,49,722.00
6	Thangamuthu	Rs.1,49,722.00

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

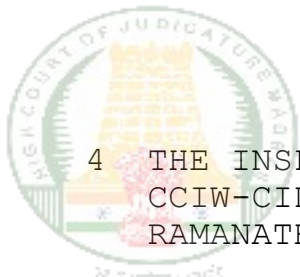
sd/-
27/02/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO I
RAMANATHAPURAM DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM
- 3 THE SUPERINTENDENT OF POLICE
CCIW-CID
CHENNAI



4 THE INSPECTOR OF POLICE
CCIW-CID, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:- THE BRANCH MANAGER,
KAVADIPATTI PRIMARY AGRICULTURAL CO-OPERATIVE
CREDIT SOCIETY,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.

+4. CC to MR.D.SADIQ RAJA Advocate SR.Nos.3873 to 3876
+1. CC to MR.RAJA.KARTHIKEYAN Advocate SR.No.50229

ORDER
IN
CRL OP (MD) Nos.20827 to
20829,21054 & 22654 of 2018
Date :27/02/2019

MSI/PN/SAR 2/04.03.2019/5P-12C